IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

WEDNESDAY, THE 5TH DECEMBER 2007 / 14TH AGRAHAYANA 1929

OP.No. 38888 of 2001(D)

PETITIONER:

M.K.IMBICHI ALI,
SHAFREENA MANZIL,
MAIN ROAD, VYTHIRI – 673 576,
WYNAD DISTRICT.

BY ADV. SRI.K.P.DANDAPANI

RESPONDENTS:
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1. THE DEPUTY TAHSILDAR (REVENUE RECOVERY),
VYTHIRI.

2. *THE NEDUNGADI BANK LTD.,
KALPETTA, REPRESENTED BY ITS MANAGER.
(*CORRECTED AS "THE PUNJAB NATIONAL BANK LTD., KALPETTA, REPRESENTED BY ITS MANAGER AS PER ORDER DATED 06/01/2006.)

BY ADV. SRI.K.P.BALASUBRAMANYAN
SMT.SMITHA SUKUMAR, GOVERNMENT PLEADER

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 05/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

O.P.NO. 38888/2001

ORDER ON CMP NO.63788/2001 IN O.P.NO. 38888/2001

DISMISSED.

05/12/2007 SD/-(C.N.RAMACHADNRAN NAIR, JUDGE)

APPENDIX

PETITIONER'S EXHIBITS

P1 : COPY OF DEMAND NOTICE DATED 15/01/2001 ISSUED BY 1ST RESPONDENT IN FAVOUR OF THE petitioner.

P2 : COPY OF DEMAND NOTICE DATED 15/01/2001 ISSUED BY THE 1ST RESPONDENT IN FAVOUR OF THE petitioner.

P3 : COPY OF LAWYER NOTICE DATED 03/11/2001 ISSUED ON BEHALF OF 2ND RESPONDENT TO THE petitioner.

// TRUE COPY //

PA TO JUDGE.

jg

C.N.RAMACHANDRAN NAIR, J.

O.P. No. 38888 of 2001

Dated, this the 5th day of December, 2007

J U D G M E N T

Petitioner is challenging recovery proceedings on the ground that bank loan taken from 2nd respondent cannot be recovered through revenue recovery proceedings. However, 1st respondent has filed counter affidavit stating that 2nd respondent Bank is also covered by notification issued under the Revenue Recovery Act. Moreover, 2nd respondent is now taken over by the Punjab National Bank, which is a public sector bank. Since liability is admitted and petitioner's grievance is against charging of exorbitant rate of interest on account of long delay to repay the loan, this original petition is disposed of directing the petitioner to approach the 2nd respondent and offer payment within a reasonable time and if petitioner offers payment within a reasonable time and makes payment, then there will be direction to the 2nd respondent to grant OTS benefits to the petitioner. In any case, entire penal and default interest should be waived, if petitioner makes payment at least by 31/01/2008. Statement of liability will be given to the petitioner by the 2nd respondent after adjusting the payments already made within a period of two weeks from the date of production of a copy

of this judgment. Petitioner will produce copy of this judgment along with receipts of payments made, whether directly or in recovery proceedings, for the 2nd respondent Bank to give statement of liability.

(C.N.RAMACHANDRAN NAIR, JUDGE)

jg